

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--|---|------------------------|
| RUTH SMITH, Individually and as Widow for the |) | |
| Use and Benefit of Herself and the Next Kin of |) | |
| Richard Smith, Deceased, |) | |
| |) | |
| Plaintiff, |) | Civil No. 3:05-0444 |
| |) | Judge Aleta A. Trauger |
| v. |) | (Dist. Of MA No. |
| |) | 1:05-cv-11515PBS) |
| PFIZER, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' RESPONSES TO PLAINTIFF'S OBJECTIONS
TO DEFENDANTS' EXHIBITS**

Pursuant to the Court's Scheduling Order of April 30, 2010, as amended orally due to flood conditions in Nashville, Defendants, Pfizer Inc and Warner-Lambert Company LLC (collectively, "Defendants" or "Pfizer") herein submit their responses to the plaintiff's objections to the defendants' exhibits, which were filed on May 12, 2010. Defendants are willing to meet and confer with Plaintiffs over objections to exhibits in advance of their being offered into evidence in trial.

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|----------|---|---|---------------------|--|
| D-1 | Richard Smith's National Health Laboratories Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|---|----------------------------|--|
| D-2 | Richard Smith's Wood, Christopher L. DDS, Dental Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-3 | Richard Smith's Berklacich, Frank M. MD, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-4 | Richard Smith's Action Quick Corporation, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-5 | Richard Smith's Baptist Hospital, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-6 | Richard Smith's Blue Cross and Blue Shield of Tennessee, Insurance Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-7 | Richard Smith's Cardiology Group of Middle Tennessee, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|----------------------------|--|
| D-8 | Richard Smith's Centennial Medical Center, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-9 | Richard Smith's Centers for Medicare and Medicaid Services, Insurance Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-10 | Richard Smith's Colon & Rectal Surgery Associates, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-11 | Richard Smith's Dyer, David N. MD, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-12 | Richard Smith's Eckerd Drugs, Pharmacy Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-13 | Richard Smith's Hampf, Carl MD, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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| D-14 | Richard Smith's Harwell, William B., Jr. MD, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-15 | Richard Smith's Heart & Vascular Clinic, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-16 | Richard Smith's Heritage Medical Associates, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-17 | Richard Smith's Loden Vision Center, Optometry Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-18 | Richard Smith's Nashville Orthopedic Associates, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-19 | Richard Smith's Neurological Surgeons, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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| D-20 | Richard Smith's Neurosurgical Associates, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-21 | Richard Smith's Otolaryngology Associates of Tennessee, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-22 | Richard Smith's Outpatient Diagnostic Center, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-23 | Richard Smith's Premier Radiology, Medical Records | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-24 | Richard Smith's Saint Thomas Hospital, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-25 | Richard Smith's Southern Sports Medicine records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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| D-26 | Richard Smith's Spalding & Nesbitt Urology Clinic, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-27 | Richard Smith's Specialized Assays, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-28 | Richard Smith's Tennessee Orthopedic Alliance, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-29 | Richard Smith's University Medical Center, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-30 | Richard Smith's Vanderbilt University Medical Center, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-31 | Richard Smith's Willowbrook Home Care Agencies, Medical Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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| D-32 | Richard Smith's Woods, Christopher L. DDS, Dental Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-33 | Richard Smith's Plaintiff Produced Records | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-34 | Richard Smith's Associated Urologists of Nashville records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-35 | Richard Smith's Powers Chiropractic Clinic records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-36 | Richard Smith's CVS records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-37 | Richard Smith's Elite Sports Medicine records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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| D-38 | Richard Smith's Midstate Cardiology records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-39 | Richard Smith's Nashville Internal Medicine Associates records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-40 | Richard Smith's Rite Aid records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-41 | Richard Smith's Schull, David, M.D. records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-42 | Richard Smith's Premier Orthopedics and Sports Medicine records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-43 | Richard Smith's Stasko, Thomas records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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| D-44 | Richard Smith's Urology Associates records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-45 | Richard Smith's Mohs Micrographic Surgery and Dermatology records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-46 | Richard Smith's Walgreen's records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-47 | Richard Smith's McCombs, Paul, M.D. records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-48 | Richard Smith's Medicare records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-200 | Richard Smith's W-2 Forms. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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|-----------------|--|---|----------------------------|--|
| D-201 | Richard Smith's Nashville Office Machines, Employment Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-202 | Richard Smith's IRS Tax Return Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-203 | Metropolitan Nashville Police Department, Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-204 | Autopsy Records. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-205 | Plaintiff's Response to Defendant's First Set of Interrogatories | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-210 | Letter from M. Richer to A. Seaton re: additional Information | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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|-----------------|--|---|----------------------------|--|
| D-211 | Berklacich, Frank M.D. - Medical Records marked at deposition. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-212 | Medical Examination Report marked at the deposition of Gary Wayne Biggs. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-213 | Gary Wayne Biggs Notes | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Relevance | | Admissible under 803(8), 803(2), and 803(6). Clearly relevant to causation. |
| D-214 | Gary Wayne Biggs Investigation Fee Schedule | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Relevance | | Admissible under 803(8) and 803(6). Relevant to show lack of bias. |
| D-218 | Metropolitan Police Department Report by Danny Satterfield marked at the deposition of Gary Wayne Biggs. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-219 | C.V. - Curriculum Vitae of James Cato, M.D. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-220 | Medical records marked at the deposition of James Cato, M.D. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-221 | C.V. - Curriculum Vitae of Carl Hampf, M.D. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|----------------------------|--|
| D-223 | Invoice to Richard Smith from Carl Hampf, M.D. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-224 | Medical records marked at the deposition of Carl Hampf, M.D. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-225 | Medical records marked at the deposition of Pamela Krancer, APN | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-227 | C.V. - Curriculum Vitae of Feng Li, M.D., J.D., Ph.D. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-228 | Medical records marked at the deposition of Feng Li, M.D., J.D., Ph.D. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-229 | C.V. - Curriculum Vitae of Edward Mackey, M.D. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-230 | Medical records marked at the deposition of Edward Mackey, M.D. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

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|-----------------|---|---|----------------------------|--|
| D-231 | Medical records marked at the deposition of Paul R. McCombs, III M.D. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-233 | Police records marked at the deposition of Danny Satterfield | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-235 | Medical records marked at the deposition of Danny Satterfield | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-236 | Medical records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-237 | Page from Questionnaire marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|---|----------------------------|---|
| D-238 | Pharmacy records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-239 | Pharmacy records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-240 | Medical records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-241 | Medical records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-242 | Expert from Plaintiff's Response to First Set of Interrogatories marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|---|----------------------------|--|
| D-243 | Pharmacy records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-244 | Medical records marked at the deposition of Ruth Smith | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-245 | Medical records marked at the deposition of Cindy Smith-Charlton. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-246 | Medical records marked at the deposition of Stewart Stowers. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-247 | C.V. - Curriculum Vitae of Stewart Stowers. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-248 | Dental records marked at the deposition of Chris L. Wood. | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-249 | Samples of Neurontin or other medications or containers in possession of the Smith family | Object Subject To Redactions Of Inadmissible Portions Of The Document | | There is no inadmissible portion of a sample bottle. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|---|--|
| D-250 | Photographs of Neurontin or other medications or containers in possession of the Smith Family to be taken at a future date upon agreement of the parties | Object Subject To Redactions Of Inadmissible Portions Of The Document | | Defendants agree that if there are any inadmissible portions of the document, they will be redacted. |
| D-253 | Douglas Jacobs, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-254 | Peter M. Donofrio, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-255 | Peter M. Donofrio, M.D. CV | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-256 | Robert P. Granacher, M.D., M.B.A. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-257 | Robert P. Granacher, M.D., M.B.A. CV | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-263 | A 52-Year-Old Suicidal Man by Douglas G. Jacobs JAMA, 2000;283(20);2693-2699 | Hearsay | | Not offered for the truth. |
| D-265 | Medical Chronology of Richard Smith | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | Document is a medical chronology prepared by Defendants' counsel | Exhibit is withdrawn. |
| D-7045 | Neurontin Indication Status Spreadsheets bearing the bates range Pfizer_MDL_0008198 - 408. | Relevance | Shows approval history outside the United States. Foreign approvals not relevant to Smith Case. | Foreign approvals for neuropathic pain are relevant to tdoctors' state of mind. |

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|-----------------|--|---|---|--|
| D-7051 | NDA Narratives in Epilepsy NDA. | Authenticity; Defendant Document Lacks Bates Number And Was Not Produced In Accordance With Rule 26 Or Plaintiff Discovery Demand | Unknown source of document | Inadmissible pages will be removed. The majority of the document is part of the NDA. |
| D-7212 | Plaintiff Lawyer Ads. | Authenticity; Relevance; Unfairly Prejudicial - Prejudice Outweighs Probative Value | Unknown source of document | Will be authenticated by the appropriate experts. Plaintiff lawyer advertisements are relevant to bias in adverse event reporting. |
| D-7255 | FDA Advisory Committee meeting slide presentation by Dr. J Cramer. | Hearsay | | Admissible under 803(8) and/or not being admitted for the truth. |
| D-7288 | Brock's handwritten notes. | Relevance; Hearsay | | Relevant to ex[erts] opinion. Not being offered for the truth. |
| D-7295 | International Conference On Harmonisation Of Technical Requirements For Registration Of Pharmaceuticals For Human Use; ICH Harmonised Tripartite Guideline: Guideline For Good Clinical Practice (E6(R1)). | Exhibit Does Not Match Description | | A revised exhibit is being provided. |
| D-7305 | Bipolar and Gabapentin Sensitivity Analysis. | Hearsay; Fails To Meet The Requirements of FRE 702 And/Or FRE 703 | Charts from analyses of Defense Expert Robert Gibbons | Not being offered for the truth. |
| D-7374 | FDA Talk Paper on Antidepressants. | Relevance | Has nothing to do with Neurontin or other AED's | Relevant to FDA's state of mind and position. |
| D-7375 | Statement from American Epilepsy Society. | Hearsay; Unfairly Prejudicial - Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7379 | An Update on the Possible Mechanisms of Action of Gabapentin. By: Charles Taylor bearing the bates range Pfizer_CTaylor_0008905 - 23. | Rule 403; | | Mechanism of action is clearly relevant. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|---|---|
| D-7382 | Report by Dr. Stephen Brown, "Gabapentin and Psychosis" bearing the bates range MDL_LABL_0000002 - 04. | Hearsay | Objection is to the attached report. | Admissible under 803(6) |
| D-7383 | Report from Dr. Stephen Brown to Dr. Tim Paget bearing the bates range Pfizer_CPacella_0009440 - 49. | Hearsay | | Admissible under 803(6) |
| D-7384 | Medicines Control Agency Draft Response bearing the bates range Pfizer_LKnapp_0135264 - 65. | Hearsay | Document is a draft and not a final document, therefore no hearsay exception applies. | Admissible under 803(6) |
| D-7391 | Email from Dr. Alexander Ruggieri to Dr. Steven Galson. | Hearsay | Please See extensive comments in the authenticity section | Please see additional bench memorandum. |
| D-7392 | Email from Donald Dobbs to Dr. Alexander Ruggieri. | Authenticity; Hearsay | Extensive objections | Please see additional bench memorandum. |
| D-7401 | Pharmacist's Letter/Prescriber's Letter bearing the bates range Pfizer_JSu_0017853 - 56. | Hearsay | Appears to be a journal publication of some kind. | Admissible under 803(6) |
| D-7407 | The Guide to Off-Label Prescription Drugs: New Uses for FDA-Approved Prescription Drugs. | Relevance; Hearsay | | Admissible under 803(8). Clearly FDA's position on off-label drugs is relevant. |
| D-7409 | Letter to Editor of Drug Safety. | Hearsay | | Not offered for the truth. |
| D-7411 | Affidavit of Dr. Cynthia McCormick, M.D. with exhibits. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Not offered for the truth. |
| D-7412 | Alexander Ruggieri, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7413 | Affidavit of Alexander Ruggieri, M.D. | Hearsay | | Exhibit will not be offered into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|---|----------------------------|--|
| D-7414 | Alexander Ruggieri, M.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7415 | Alexander Ruggieri, M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7416 | Charles P. Taylor, Ph.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7417 | Charles P. Taylor, Ph.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7418 | Gerard Sanacora, Ph.D. M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7419 | Gerard Sanacora, Ph.D. M.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7420 | Charles P. Taylor, Ph.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7421 | Gerard Sanacora, Ph.D. M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7422 | Janet Arrowsmith-Lowe, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7423 | Janet Arrowsmith, M.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|---|----------------------------|--|
| D-7424 | Janet Arrowsmith-Lowe, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7425 | Janet Arrowsmith-Lowe, M.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7426 | Janet Arrowsmith-Lowe, M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7427 | Sheila Weiss Smith, Ph.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered to evidence. |
| D-7428 | Sheila Weiss Smith, Ph.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence. |
| D-7429 | Sheila Weiss Smith, Ph.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7430 | Robert D. Gibbons, Ph.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |
| D-7431 | Robert D. Gibbons, Ph.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |
| D-7432 | Robert D. Gibbons, Ph.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|----------------------------|---|
| D-7433 | Robert D. Gibbons, Ph.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |
| D-7434 | Robert D. Gibbons, Ph.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Not being offered for the truth. |
| D-7435 | Atul C. Pande, M.D. CV bearing the bates range Pfizer APande 0000352 - 54. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth, |
| D-7436 | Janeth Turner CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7437 | Gary Brenner Ph.D., CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Exhibit is withdrawn |
| D-7438 | Gary Brenner Ph.D., Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit is withdrawn |
| D-7439 | Edward Boyer, M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Exhibit is withdrawn |
| D-7440 | Edward Boyer, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit is withdrawn |
| D-7441 | Anthony Rothschild, M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Exhibit is withdrawn |
| D-7442 | Anthony Rothschild, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit is withdrawn |
| D-7443 | Anthony Rothschild, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit is withdrawn. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|----------------------------|---|
| D-7444 | Douglas Jacobs, M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7445 | Douglas Jacobs, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |
| D-7446 | Douglas Jacobs, M.D. Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |
| D-7447 | Henry Grabowski, Ph.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7448 | Henry Grabowski, Ph. D Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be offered into evidence |
| D-7449 | Manfred Hauben, M.D., M.P.H., D.T.M.&H CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7450 | Lloyd Knapp, Pharm.D CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7451 | Bentson McFarland M.D., Ph.D, Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit is withdrawn. |
| D-7453 | Richard Mattson, M.D. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Exhibit is withdrawn. |
| D-7454 | Declaration of Richard Mattson. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7455 | Declaration of Miroslav Backonja, M.D. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7456 | Declaration of Dr. Kenneth Gorson. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7457 | Declaration of Dr. Edward Vieta. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|--|---------------------------------|---|
| D-7458 | Declaration of Robert Gerner, M.D. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7459 | Declaration of Carol A. Janney, M. S. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7460 | Declaration of Dr. Ninan T. Mathew. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7461 | Dr. Mark Mengel, M.D., M.P.H. CV. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value | | Not being offered for the truth. |
| D-7462 | Deposition of Benston McFarland. | Hearsay | | Exhibit will not be admitted into evidence |
| D-7463 | Figure A "Modulation of K ⁺ - induced synaptosomal calcium influx by Gabapentin." 875 Brain Res. 157, 158 (2000). | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7464 | Figure A, "Stimulus-Dependent Modulation of [3H] Noreinephrine Release from Rat Neocortical Slices by Gabapentin and Pregabalin," 295 J. Pharmacology and Experimental Therapeutics 1086, 1089 (2000). | Hearsay | Chart out of a journal article. | Exhibit will not be offered for the truth of the matter asserted |
| D-7465 | Figure 3, "Inhibition of Neuronal Ca ²⁺ Influx by Gabapentin and Subsequent Reduction of Neurotransmitter Release from Rat Neocortical Slices," 130 Brit. J. Pharmacology 900, 902 (2000). | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7466 | Figure A, "Stimulus-Dependent Modulation of [3H] Noreinephrine Release from Rat Neocortical Slices by Gabapentin and Pregabalin," 295 J. Pharmacology and Experimental Therapeutics 1086, 1089 (2000). | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7467 | Figure 1, "Gabapentin Inhibits the Substance P-Facilitated K ⁺ Evoked Release of [3H] Glutamate from Rat Caudal Trigeminal Nucleus Slices," 93 Pain, 191, 193 (2001). | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7468 | Figure from "Pregabalin and Gabapentin Reduce Release of Substance Pand CGRP from Rat Spinal Tissues Only After Inflammation or Activation of Protein Kinase C," 105 Pain 133, 136 (2003). | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|----------------------------|---|
| D-7469 | Figure titled "Gabapentin Reduces DAP-Stimulated but not Basal Monoamines" from Pugsley TA, Whetzel SZ, Dooley DJ, Psychopharmacology 137:74-80. | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7470 | Figure titled "Neurontin/Gabapentin Prescriptions and Promotional Expenditures". | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7471 | Over-the-Counter Labeling Rule. | Relevance; Hearsay | | Exhibit will not be offered for the truth of the matter asserted. |
| D-7508 | Gabapentin monotherapy: II. A 26-Week, Double-Blind, Dose-Controlled, Multicenter Study of Conversion from Polytherapy in Outpatients with Refractory Complex Partial or Secondarily Generalized Seizures. | Hearsay | Journal Article | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7560 | Gibbons R.D., Duan N., Meltzer D., Pope, A., Penhoet E.D., Dubler N.N., Francis C.K., Gill, B., Guinan E., Henderson M., Ildstad S.T., King, P.A., Martinez-Maldonado M., McLain G.E., Murray J.E., Nelkin D. Spellman M.W, and Pitluck S. Waiting for Organ T | Hearsay | | Exhibit will not be offered for the truth of the matter asserted. |
| D-7564 | Brent D. Antidepressants and suicidal behavior: cause or cure? Am J Psychiatry. 2007 Jul; 164(7):989-91. | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7565 | Böhning D, Schlattmann P, Lindsay BG. Re: "A statistical method for evaluating suicide clusters and implementing cluster surveillance". Am J Epidemiol. 1992 Jun; 135(11):1310-4. | Hearsay | | Exhibit will be used under 803(18) and not offered into evidence as an exhibit. |
| D-7566 | Charles Taylor 8/27/09 Deposition Exhibit 1 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|---|----------------------------|--|
| D-7567 | Charles Taylor 8/27/09 Deposition Exhibit 2 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7568 | Charles Taylor 8/27/09 Deposition Exhibit 3 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7569 | Charles Taylor 8/27/09 Deposition Exhibit 4 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7570 | Charles Taylor 8/27/09 Deposition Exhibit 5 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7571 | Charles Taylor 8/27/09 Deposition Exhibit 6 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7572 | Charles Taylor 8/27/09 Deposition Exhibit 7 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7573 | Charles Taylor 8/27/09 Deposition Exhibit 8 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7574 | Charles Taylor 8/27/09 Deposition Exhibit 9 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|--|--|
| D-7575 | Charles Taylor 8/27/09 Deposition Exhibit 10 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7576 | Charles Taylor 8/27/09 Deposition Exhibit 11 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7577 | Charles Taylor 8/27/09 Deposition Exhibit 12 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7578 | Charles Taylor 8/27/09 Deposition Exhibit 13 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7579 | Charles Taylor 8/27/09 Deposition Exhibit 14 | Hearsay; Chart Not Provided As Part of Expert Report In Advance Of Deposition; Incomplete Document; Calls For Expert Testimony; | | Exhibit will be used for demonstrative purposes and not offered into evidence. |
| D-7735 | Document titled Promostudy Report, RE: Neurontin Merritt-Putnam Symposium, Mar. 1995 | Relevance;Hearsay; | No identification as to whom is creating this document | Not admitted for the truth. |
| D-7739 | Letter from Tracie L. Kelley (MES) to John Knoop (PD), dated Feb. 27, 1997 | Hearsay; | | Admissible under 803(6) |
| D-7741 | ltr from Vervack to Aquino | Relevance; Rule 403; Hearsay | | Admissible under 803(6) |
| D-7747 | Press release titled "PFIZER RECEIVES FDA APPROVAL TO MARKET NEURONTIN FOR POST-HERPETIC NEURALGIA", dated May 28, 2002, bearing the bates range Pfizer_KSiegler_0004997-998 | Relevance;Rule 403 | | FDA approval to treat a pain condition, post-herpetic neuralgia is clearly relevant. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|---|--|----------------------------------|--|
| D-7754 | Letter from Rober M. Sutherland M.D., Co-Director Center for Pain Medicine, Allegheny General Hospital to Carlos Gorrio, Territory Manager, Parke Davis, Northeast Customer Business Unit, re: June 4, 1995 letter from Sherwood Richardson to Anthony Wild, da | Hearsay;Unfairly Prejudicial- Prejudice Outweighs Probative Value; | | Admissible under 803(6) |
| D-7758 | NDA 21-397 Item 6 Table of Contents - Human Pharmaockinetics and Bioavailability | Exhibit Not Provided | Exhibit Not Provided | Exhibit will be provided |
| D-7760 | Proceedings of the Third International Conference on Bipolar Disorder 1999 | Exhibit Not Provided | Exhibit Not Provided | Exhibit will be provided. |
| D-7763 | Chart Titled "Neurontin / Gabapentin Prescriptions and Promotional Expenditures" (Dec. 15, 2008, Michael C. Keeley Expert Report, p. 28) | Hearsay;Rule 403 | | Exhibit will not offered for the truth of the matter asserted. |
| D-7767 | Research Protocol-945-224-A Double Blind Placebo-Controlled Trial with 3 Doses of Gabapentin for Treatment of Painful Diabetic Neuropathy | Exhibit Not Provided | Exhibit Not Provided | Exhibit will be provided. |
| D-7768 | 21 C.F.R. 314.105 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7769 | 21 U.S.C. 301 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7770 | 21 U.S.C. 352 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--------------------------------------|-------------------------------|----------------------------------|--|
| D-7771 | 21 U.S.C. 355 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7772 | 21 U.S.C. 393 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7773 | 51 Fed. Reg. 43900 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7774 | 71 Fed. Reg. 3922-29 (Jan. 24, 2006) | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7775 | 21 C.F.R. 201.57 (April 2002) | Rule 403;Foundation | | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7776 | 21 C.F.R. 202.1 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7777 | 21 C.F.R. 312.20 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|-----------------|--|---|----------------------------------|--|
| D-7778 | 21 C.F.R. 312.22 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7779 | 21 C.F.R. 314.50 | Relevance;Rule 403;Foundation | Date is after death of Mr. Smith | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7780 | 21 C.F.R. 314.80 | Relevance;Rule 403;Foundation | | Exhibit will be used for demonstrative purposes only and will not be admitted into evidence. |
| D-7781 | Daubert Hearing Transcript (6-20-08) | Relevance;Hearsay;Unfairly Prejudicial- Prejudice Outweighs Probative Value;Rule 403;Foundation | | Exhibit will not be admitted into evidence. |
| D-7782 | Daubert Hearing Transcript(7-23-08) | Relevance;Hearsay;Unfairly Prejudicial- Prejudice Outweighs Probative Value;Rule 403;Foundation | | Exhibit will not be admitted into evidence. |
| D-7783 | Daubert Hearing Transcript (6-19-08) | Relevance;Hearsay;Unfairly Prejudicial- Prejudice Outweighs Probative Value;Rule 403;Foundation | | Exhibit will not be admitted into evidence. |
| D-7784 | Robert D. Gibbons, Ph.D. Supplemental Expert Report. | Untilmely Disclosure; Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be admitted into evidence. |
| D-7785 | Robert D. Gibbons, Ph.D. Supplemental Expert Report. | Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be admitted into evidence. |
| D-7786 | Henry Grabowski, Ph. D Supplemental Expert Report. | Untimely;Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be admitted into evidence. |

| Exh. No. | Description | Plaintiff's Objection | Plaintiff's Comment | Defense Response to Objs. |
|---------------------|---|---|--------------------------------|---|
| D-7787 | Henry Grabowski, Ph. D Supplemental Expert Report. | Untimely;Hearsay; Unfairly Prejudicial- Prejudice Outweighs Probative Value; Fails To Meet The Requirments of FRE 702 And/Or FRE 703 | | Exhibit will not be admitted into evidence. |

Dated: May 13, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of May 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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